

John Balas  
137 Applegate Lane  
Drums Pa 16222

United States District Court For The Eastern  
District of Pennsylvania

John Balas, pro se Civil Action #  
v.

Dr. Stanish, Pam Smith

"1983 Complaint"

"Jurisdiction & Venue"

- 1 This is a civil action authorized by 42 U.S.C. § 1983 to redress the deprivation under color of state law, of rights secured by the United States Constitution. This court has jurisdiction under 28 U.S.C. § 1331/1333. Plaintiff seeks declaratory relief under 28 U.S.C. § 2201/2202, 28 U.S.C. § 2283 and rule 65 authorizes injunctive relief. This court has jurisdiction for Plaintiff's state claims.
- 2 This court is an appropriate venue under 28 U.S.C. § 1331 b. (2), because it is where the event given rise to the claims occurred.

"Parties"

- 3 Plaintiff, Michael John Balas, is a resident of Pennsylvania.
- 4 Defendant, Dr. Stanishev, is a doctor. He was legally responsible for providing medical care for Plaintiff, for the operations of his/her's medical department, and the care and welfare of Plaintiff.
- 5 Defendant, Pam Smith, is a RN/CHCA. She was legally responsible for providing medical care for Plaintiff, for the operations of his/her's medical department, and the care and welfare of Plaintiff.
- 6 Defendants are sued individually and in their official capacity. At all times mentioned in this complaint, each Defendant acted under of color of state law.

"Facts"

- 7 Plaintiff came under the care of Defendants in the year of 2019.
- 8 In the year of 2019, Plaintiff began to suffer excessive lower abdominal pains.
- 9 Plaintiff reported to Defendants with the pain of his abdominal section.
- 10 Defendants performed an ultrasound on Plaintiff and revealed, Plaintiff had a "hernia".
- 11 Plaintiff provided with a hernia belt, by Defendants and pain medication(s).

- 12 Defendants indicated to Plaintiff an operation is needed to correct the hernia.
- 13 Plaintiff suffered from an "inguinal hernia" where there was protrusion of (a) pieces of the intestine through an opening in Plaintiff's abdominal wall.
- 14 Plaintiff was at risk of the hernia extending into his groin, scrotum, and late enlargement, of the hernia,
- 15 Defendants place Plaintiff at risk of intestine incarceration, strangulation, irreparable injuries, and death,
- 16 Plaintiff made cries to Defendants of being in daily pain, fear, and insufficient medications.
- 17 Plaintiff made requests for the operation to Defendants.
- 18 Plaintiff forced to conduct daily ~~activities~~ activities in pain and suffering by Defendants
- 19 Defendants are(were) deliberate indifferent to Plaintiff poor and unsafe living conditions
- 20 Defendants delayed Plaintiff's serious medical care and denied Plaintiff adequate medical care.
- 21 Defendants are(were) deliberate indifferent to Plaintiff serious medical care where they delayed and denied adequate serious medical care to Plaintiff,

Legal Claims

- 22 Defendants Smith and Stanish were deliberate indifferent to Plaintiff poor and unsafe living conditions, and constitute a violation to Plaintiffs rights that constitute cruel and unusual punishment under the 8<sup>th</sup> Amendment of the United States Constitution.
- 23 Defendants Smith and Stanish, were deliberate indifferent where they delayed and denied adequate medical care, violated Plaintiff rights that constitute cruel and unusual punishment under the 8<sup>th</sup> Amendment of the United States Constitution.

Relief

- 24 Compensational damages \$ 3,000,000.00
- 25 Punitive damages \$ 4,000.00 on each defendant.
- 26 Hernia operations, Defendants remove from their positions, refund of all medical co-pay.
- 27 Jury trial, recovery, and what this court deems just.  
I declare all above is true and correct under  
28 U.S.C. 1746 on this day of October 2020

151 Michael John Balas  
Michael John Balas  
137 Applegate Lane  
Drums Pa 18222

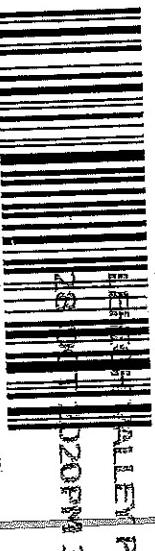
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